

## **DEVELOPMENT CONDITIONS**

### **SE 2012-SU-002**

**February 28, 2013**

If it is the intent of the Board of Supervisors to approve SE 2012-SU-002 located at 3027 Ashburton Avenue, Tax Map 35-2 ((1)) 4 to permit a waiver of minimum lot width requirement, pursuant to Sect. 9-610 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception plat entitled Special Exception (SE) Plat, 3027 Ashburton Avenue, Tax Map 35-2 ((1)) Parcel 4, dated August 19, 2012, as revised through February 13, 2013, and these conditions.
4. All new dwelling units shall be designed and constructed as ENERGY STAR qualified homes. Prior to the approval of the residential use permit (RUP) for each dwelling unit, documentation shall be submitted to the Environment and Development Review Branch of the Department of Planning and Zoning from a home energy rater certified through the Residential Energy Services network (RESNET) program that the dwelling unit has attained the ENERGY STAR for homes qualifications.
5. The first and all subsequent subdivision plans shall include a planting plan, which shall incorporate a planting schedule to identify species and quantities to be provided, sizes of nursery stock, timing for planting, weed and deer control, watering, mulching, etc., all subject to review and approval of the Urban Forest Management Division (UFMD).
6. An invasive species management program shall be created and implemented per the tree conservation ordinance, to include all tree save areas that may contain invasive plant material (PFM 12-0404.2B and 12-0509.3D) which clearly identifies targeted species; details removal and treatment techniques; proposed replanting with herbaceous and woody material, monitoring; program duration; etc., subject to review and approval of UFMD.

7. Tree Preservation: A Tree Preservation Plan and narrative shall be submitted as part of the first and all subsequent subdivision plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of UFMD.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located within the tree save area living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) and 35 feet outside of the proposed limits of clearing, in the undisturbed area and within 10 feet of the proposed limits of clearing in the area to be disturbed. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the SE Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, compost tea, Cambistat, radial mulching, and others as necessary, shall be included in the plan.

8. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
9. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of

DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

10. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.
11. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

1. Root pruning shall be done with a trencher or vibratory plow to a depth of 18 - 24 inches.
2. Root pruning shall take place prior to any clearing and grading, or demolition of structures.

3. Root pruning shall be conducted with the supervision of a certified arborist.
  4. An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
12. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.
  13. A plan shall be created for the abandonment of the existing gravel driveway that details how any work within this area will be done by hand such as spreading topsoil and seeding without causing any significant impacts to the critical root zones of trees shown to be preserved within this area subject to the review and approval of UFMD.
  14. A reforestation plan shall be provided for areas shown on the SE plat and Exhibit A that are going to be reforested through the use of native species. The reforestation areas shall be planted at a density of one seedling for each 100 square feet of area and one shrub with a minimum height of 18 inches shall be planted for each 40 square feet of disturbed area. Soil preparation, soil amendments, and/or seed mix shall be required as determined by UFMD. The plan shall include a landscape schedule that details the amount of species each species, size and type of nursery stock, timing for planting, weed and deer control methods, watering, mulching, and any other items as may be determined necessary by UFMD.
  15. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of 35 feet from the centerline along the Application Property's Ashburton Avenue frontage as shown on the SE plat. Dedication of right-of-way shall be made at time of recordation of the final subdivision plat or upon demand of either Fairfax County or VDOT, whichever occur first.

16. An ingress/egress access easement in a form approved by the County Attorney shall be placed and recorded in land records by the applicant, over Lots 1 and 2, and the existing driveway that is to be shared. The easement shall also allow access to and from the outlots for BMP maintenance.
17. The BMPs shall be filed against the deeds of the properties along with a BMP maintenance agreement, approved by Fairfax County.
18. The existing ingress/egress access easement connection to Saffron Drive from the subject parcel across Lot 48, Section 1, Ashburton Manors shall be vacated at the time of subdivision plan approval.
19. Porous pavers, such as UNI Eco-Stone or an approved equivalent as determined by DPWES shall be utilized for the driveway serving Lots 1 and 2.
20. A minimum of 40% phosphorus removal shall be achieved by BMP's on the property, as reviewed and approved by DPWES. Stormwater Management or Best Management Practices measures may be provided in infiltration/percolation trenches as shown on the SE plat as determined by DPWES, which shall be privately maintained. If a modification of the PFM to permit the proposed stormwater management/best management practices as shown on the SE plat is not granted by DPWES, and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES.
21. At the time of subdivision plan, it shall be demonstrated that both houses are located more than 15 feet from the floodplain horizontally and that the lowest floor of the lowest structures of the houses (basement slabs of the dwellings for this project) are more than 18 inches above the 100-year floodplain elevation subject to the review and approval of DPWES.
22. Prior to record plat approval, the necessary residential covenants shall be established governing the maintenance of the infiltration/percolation trenches and shared driveway on the proposed lots as shown on the SE Plat. Residential covenants shall be recorded which disclose to the existing and all subsequent property owners the maintenance obligations of the infiltration/percolation trenches and shared driveway.
23. Adequate Outfall shall be demonstrated in accordance with the Public Facilities Manual (PFM) as determined by DPWES at the time of Subdivision plan review.
24. Proper abandonment of the well under a permit from the Health Department is required prior to a demolition permit being approved for the site.

25. Prior to any land disturbing activities on the property, a Phase I archaeological study shall be conducted, and the results of such studies shall be provided to the Cultural Resource Management and Protection Section of the Fairfax County Park Authority (CRMPS). If deemed necessary by CRMPS, the Applicant shall conduct a Phase II and/or Phase III archaeological study on only those areas of the Application Property identified for further study by CRMPS. The studies shall be conducted by a qualified archaeological professional approved by CRMPS, and shall be reviewed and approved by CRMPS. The studies shall be completed prior to subdivision plat recordation.
26. The applicant shall provide a 4.0 foot high decorative black fence (Cast aluminum or equivalent low maintenance fencing) around the proposed BMPs as depicted on Exhibit A in order to protect the BMPs.
27. The applicant shall escrow funds as determined by DPWES in lieu of the paving of the future trail.
28. No portion of the limits of clearing and grading or any BMP facilities shall extend into the EQC.
29. The RPA/FP shall be verified to the satisfaction of DPWES at time of subdivision plan review; minor adjustments to lot lines to remove from RPA/FP may be permitted without SEA if determined to be in general conformance with the SE plat.
30. Annexation into HOA. Prior to record plat approval, the Applicant shall either: 1) annex the development into the Ashburton Manors HOA in accordance with §2-700 of the Zoning Ordinance for the purpose of establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete certain maintenance obligations and other provisions noted in these proffer conditions or, 2) form a new Homeowner's Association for the development for the specific purpose of maintaining the common open space/BMPs in the outlot as shown on the SE. In either case, residential covenants shall be recorded which disclose to the residents of the HOA the maintenance obligations of the open space and BMPs.
31. The applicant shall plant a row of Red Cedar and American Holly trees, at a minimum height of 6-7 feet at time of planting, on staggered 10 foot centers. The trees shall be planted:
  - a. Along the west lot line of proposed Lot 2 between the driveway and property line in order to screen the dwelling on proposed Lot 2 from the existing dwelling on Lot 2, Henry White Prop; and
  - b. Along the western half of the southern rear lot line of proposed Lot 2, in order to screen the dwelling from the adjacent residential lots to the south.

The applicant shall provide these trees at the time of subdivision plan as reviewed and approved by the Urban Forestry Management Division.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

